

SEMINAR ON CONTEMPORARY FIQH: ISSUES AND CHALLENGES (SCF2012)

Assoc. Prof. Saim Kayadibi

The seminar, organized by the Department of Fiqh and Usul al-Fiqh, Faculty of Islamic Revealed Knowledge and Human Sciences (KIRKHS), International Islamic University Malaysia (IIUM), was held on 18-19 December 2012 at the Banquet Hall in IIUM, Kuala Lumpur, Malaysia. The 200 delegates from different continents including Asia, Europe, Africa, Middle East participated and 48 of them were paper presenters apart from two very well-received Keynote Speakers, Mohd Daud Bakar (Chairman, Shariah Advisory Council, Bank Negara Malaysia [BNM]), Fatris Bakaram (Mufti of Singapore), and opening speech was given by Mohd Puad Zarkashi (Deputy Education Minister of Malaysia), as well as media outlets and respectable number of public and government representatives, religious officers, and academics from prestigious international universities also participated in the Conference.

One of the main objectives was to provide a platform for experts from both academic community and industry to engage on an in-depth analysis of pertinent themes in contemporary fiqh. It's believed that the huge literature of fatwas and collective ijtihad on contemporary legal issues both at local and global arena contain some views and perspectives which are somewhat polemical and controversial particularly when viewed from a broader Shari'ah perspective is necessary. Especially in the area of banking and finance, in some jurisdictions riba is bypassed through fictitious sales and purchases; genetically modified foods are given blanket legitimacy on the basis of questionable analogy with the traditional concept of istihalah (chemical change); therapeutic cloning is sanctioned on the basis of the uncritical adoption of classical theory on fetal embryology; just to mention a few instances must be further elaborated. With that respect SCF2012 was purposely organized to bring a platform for the paper presenters to identify Islamic juridical methodological frameworks, paradigms and parameters within which the diverse authentic juridical views that could be synchronized and determined.

Following the Qur'anic recitation and du'a, Ahmad Basri Ibrahim (Chairman of the Conference [IIUM]) welcomed the participants at the inaugural session of the Conference and spoke of the importance of authentic juridical construction of

* Department of Economics, Faculty of Economics and Management Sciences, International Islamic University Malaysia (IIUM).

great significance to Muslims in the world. Mohd Puad Zarkashi (Deputy Education Minister of Malaysia) highlighted the necessity of dealing with past issues in order to give substantial solutions to contemporary fiqh issues.

Intellectually designed parallel sessions began with significant scholars from different part of the world. The conference in fact was scheduled to have two parallel sessions each day and each parallel session consisted of individually two parallel group sessions. The first day's first parallel session moderated by Azman Mohd. Noor (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM) comprised Mahmood Zuhdi Hj. Abd Majid (Dean, Kulliyah of IRKHS, IIUM); Anke Iman Bouzenita (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM); Mahdi Zolfaghari (Islamic Azad University, Damghan Branch, Damghan, Iran); Sayed Sikandar Shah Haneef (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM); Mohamad Fadzli bin Shamsuddin (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM), and Mohammad Aizat Jamaludin (Halal Products Research Institute, University Putra Malaysia [UPM]). Mahmood talked about the Halal Food Production and certification. He highlighted that it is so important to identify rules, regulations, policies and guidelines in order to get a clear explanation that can enhance the understanding of halal certification process. Mahdi explored contemporary bioethical problems like brain death within an Islamic paradigm and finally Sayed Sikandar Shah Haneef focused on DNA testing of paternity, the challenges for harmonization between science and Islamic law.

The second parallel session began with Mek Wok Mahmud's (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM) claim that unlike the conventional system, Islamic banking avoids any business that deals with interest to generate profits. Other than avoidance of *riba*, prohibition of *gharar* and *maysir*, Islamic banking should include religious goals in its operation that is among others upholding justices and fairness in dealings. Maszlee Malik (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM) discussed 'ihsani' social capital as a new dimension for political participation within the framework of Fiqh Malaysia.

Among the other parallel sessions of the first day of the conference there were significant topics to be discussed. Sadia Rehan (Women University, Rawalpindi, Pakistan) analysed human trafficking as modern form of slavery from the light of Shariah. She expressed that slavery is the oldest institution which was used universally in every civilization to degenerate human beings to the level of animals. Her analysis was concluded that Islam has totally prohibited the enslavement of a free person and all forms of oppression or exploitation more than fourteen hundred years ago. Islam has declared it as heinous crime and granted comprehensive laws not only for its complete abolition but also for better treatment of those persons who are exploited through trafficking. Ramin Poursaeid (Payemi Nor University, Hashtgerd, Aborz, Iran) talked about intentional fiqh and human knowledge. The speakers in the parallel session of the day dealt with women's participation in de-

cision making process (shura), role study of humanitarian in Islam and international instrument, Money market within Islamic banks as doctrinal tools, Takaful (insurance) and its impact on the surplus cash, the bill of exchange and acceptable Islamic product, Zakat al-Fitr and its role in promoting social solidarity in Malaysia, venture capital, joint investments and zakat social insurance.

During the second day's first two parallel sessions scholars explored variety of different topics of fiqh issues. Tawarruq banking and regulatory composition in Syria, religious institutions and crime prevention measures in Islamic jurisprudence, conflicts of jurisdiction between the International criminal courts and national courts, position of contemporary thought of beating women between exaggeration and estrangement, Hibah in the light of justice in Islam, purchasing equity-based sukuk (Islamic bond) and Muhammad Ikhlās Rosele, Luqman Hj. Abdullah and Mohd. Anuar Ramli (Academy of Islamic Studies, University of Malaya) focused on Qaradawi's juristic perspectives on zakah of agricultural wealth. They emphasised that that Qaradawi's perspectives on zakah of agricultural wealth based on the maqasid and he goes beyond the typical approaches of many Muslim scholars who only rely on the usul fiqh methods in deducing the rulings from the legal texts be it the Quran or the Sunnah.

The second day's parallel sessions featured Ammar Abdullah Nasuh Alwan (University Sultan Sharif Ali, Brunei), Bin Awdah bin Said (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM), Numan Jaghim (University Sultan Sharif Ali, Brunei), Ali Akbar Iyzdifard (University Mazandaran, Iran), Aboubaker Mohammad Adam (Department of Fiqh and Usul al-Fiqh, KIRKHS, IIUM), Sulayman Naser (University Qasidy Marbah, Algeria). Alwan focused on abnormal fatwas that were given throughout the Islamic history. He claimed that these abnormal fatwas are not more than a few. But lately seen that a lot of such fatwas are spread in Islamic society. Although these are detected from some extent, some of them maintained their presence via the internet. He analysed the abnormal hadiths whether their existence are the same existence in the first period of Islam. First he classified them in terms of their origins and later explored the reason why all these are common in the current century.

Instantaneous objectives were like further research and collaborations on contemporary fiqh issues occurred in the Muslim societies in order to bring integrated framework for authentic juridical construction. Finally the international seminar on contemporary fiqh: issues and challenges (SCF2012) was concluded with making a closing dua.